

1 ADAM PAUL LAXALT
Attorney General
2 DENNIS W. HOUGH, Bar No. 11995
Deputy Attorney General
3 State of Nevada
Bureau of Litigation
4 Public Safety Division
100 N. Carson Street
5 Carson City, NV 89701-4717
Tel: (775) 684-1254
6 E-mail: dthough@ag.nv.gov

7 *Attorneys for Defendants Harold "Mike" Byrne*
John Crowder, George Davis, Shaun Diamond,
8 *Charles Dudley, David Halsey, Michael Sharp,*
and Allen Sunday
9

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 ANTONIO LEE MIXON,

13 Plaintiff,

14 v.

15 MIKE BYRNE, et al.,

16 Defendants

Case No. 3:17-cv-00146-MMD-CBC

**MOTION FOR EXTENSION OF TIME TO
FILE MOTION FOR SUMMARY
JUDGMENT**

17 Defendants Harold "Mike" Byrne, John Crowder, George Davis, Shaun Diamond, Charles
18 Dudley, David Halsey, Michael Sharp, and Allen Sunday, by and through counsel, Adam Paul Laxalt,
19 Attorney General of the State of Nevada, and Dennis W. Hough, Deputy Attorney General, hereby submits
20 this Motion for Extension of Time to file their Motion for Summary Judgment. This Motion is based on
21 Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all
22 papers and pleadings on file in this action.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. ARGUMENT**

25 Defendants respectfully request a thirty (30) day extension of time out from the current deadline
26 (November 21, 2018) to file a motion for summary judgment in this case. Counsel for Defendants is
27 confronted with numerous competing deadlines and a high workload due to staffing changes in the
28 Office of the Attorney General. Defense counsel has recently substituted for a colleague that has

1 departed from the Office of the Attorney General. However, such obstacles are currently being resolved
2 and the requested extension of time should afford Defendants adequate time file a motion for summary
3 judgment in this case.

4 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

5 When an act may or must be done within a specified time, the court may,
6 for good cause, extend the time: (A) with or without motion or notice if
7 the court acts, or if a request is made, before the original time or its
8 extension expires; or (B) on motion made after the time has expired if the
9 party failed to act because of excusable neglect.

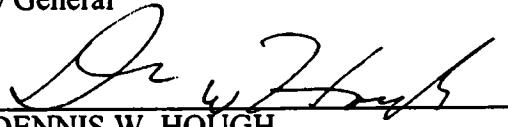
10 Defendants' request is timely and its limited nature will not hinder or prejudice Plaintiff's case,
11 but will allow for a more thorough dispositive motion briefing to narrow or eliminate issues prior to
12 further proceedings. The requested thirty (30) day extension of time should permit Defendants time to
13 file a motion for summary judgment. Defendants assert that the requisite good cause is present to
14 warrant the requested extension of time.

15 For these reasons, Defendants respectfully request a thirty (30) day extension of time from the
16 current deadline to file a motion for summary judgment, with a new deadline to and including Friday,
17 December 28, 2018.

18 DATED this 21st day of November, 2018.

19 ADAM PAUL LAXALT
20 Attorney General

21 By:

22 
23 DENNIS W. HOUGH
24 Deputy Attorney General
25 State of Nevada
26 Bureau of Litigation
27 Public Safety Division

28 *Attorneys for Defendants*

IT IS SO ORDERED


U.S. MAGISTRATE JUDGE

DATED: 11/27/2018

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 21st day of November, 2018, I caused to be deposited for mailing a true and correct copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT**, to the following:

Antonio Lee Mixon #1019828
High Desert State Prison
P. O. Box 650
Indian Springs, NV 89070


An employee of the
Office of the Attorney General